



Permanent Mission of Hungary to the United Nations Office
and Other International Organizations in Geneva

TELEFAX

No. 5-2/2012

To: Ms. Jane Connors, Chief, Special Procedures Branch, OHCHR

Telefax No.: 022-917-9006

Date: 21 February 2012

Number of pages including cover page: 1 + 12 + 21

Dear Ms. Connors,

Please, find attached the response of the Government of Hungary to the joint allegation letter (HUN 3/2011) sent on 21 December, 2011 by the Special Rapporteur on adequate housing as a component of the right to adequate standard of living, and on the rights to non-discrimination in this context and the Special Rapporteur on extreme poverty and human rights.

Sincerely yours,

L. W. ...

András DÉKÁNY
Ambassador
Permanent Representative

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**Response of the Government of Hungary to the
Joint Allegation Letter**

AL Housing (2000-9) Poverty (1998-11)

HUN 3/2011 dated 21 December, 2011

Following the political and economic transition in 1990, Hungary had to face the problem of homelessness almost from day one, and people in the streets required immediate services and measures. Act III of 1993 on Social Administration made these emergency measures practically permanent. Since then, the homeless care system has undergone a number of changes. Services forming the basis of the system (night-time shelters, temporary shelters, daytime shelters, soup kitchens) have expanded with institutionalised forms of care providing long term accommodation arrangements and rehabilitation. In addition, the network of institutions providing health care particularly to people living in the streets has also been extended and the number of organizations providing social care in streets has also increased (from 47 to 107 between 2004 and 2011).

Please find below the answers to the questions raised by the distinguished rapporteurs in their allegation letter:

1. Are the facts summarized above accurate?

Hungary considers the figures published in the allegation letter concerning homeless persons living in the capital slightly exaggerated, even though we merely possess rough estimates regarding the actual number of homeless persons living in Hungary (and in Budapest) as research of this kind is extremely complex and complicated. Nevertheless, many surveys have been conducted recently, providing information and often diverging data on the number and circumstances of homeless persons.

The most important source of information is the homeless census conducted on 3rd February every year since 1999. The so-called "Census of 3 February" has been carried out in many big cities besides Budapest since 2005. The aim of the **regular survey** is, on the one hand, to take a "snapshot" of the persons receiving homeless services and, on the other hand, to obtain data available for comparison to detect trends. Based on this census it is clear that for years there has been no considerable change regarding the number of homeless people, i.e. every year the number of homeless persons living in the streets and shelters in the capital varies between 7,000 and 8,000 (7,755 persons on 3 February 2011). Although participation and response is voluntary and a certain level of latency may and must also be considered, the estimated amount of 10,000 persons indicated in the letter is arguable.

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2

Putting the nation-wide number of homeless people to 30-35,000 is vastly exaggerated, since according to the aforementioned censuses, over half of the homeless are living outside Budapest. It would be useful to have more information regarding the methods and the data used in the allegation letter upon which the estimates were calculated.

2. Has a complaint been lodged by or on behalf of the affected community?

The NGO „The City is for All” has turned to the ombudsman with the issue of sanctioning the “inappropriate” use of public place. The ombudsman has asked the Municipality to review and to repeal relevant parts of its decree, but the Assembly of the Municipality – after careful consideration of the ombudsman’s appeal – had declined to change it.

The ombudsman therefore decided to bring the issue before the Constitutional Court and to challenge, on constitutional grounds, the legislation adopted by the Municipality (specifically Section 15/B (1), points c and d of amended Decree No. 59/1995), as well as Section 146/A of the Act on Offences, and articles (4)-(6) of Section 54 of the Act on the Formation and Protection of the Built Environment. The above submission is under consideration by the Constitutional Court.

The draft law of the amendment to Act LXXVIII of 1997 on the transformation and protection of urban environment was published in the Official Gazette of the Ministry of Interior on 2 September 2010. The document was also accessible on the Ministry’s homepage and was open for comments from the same date.

A petition against the draft was made by the group ‘The City is For All’ in late September followed by a letter of protest addressed to Mr. Sándor Pintér, Minister of Internal Affairs. The Ministry also received around 100 electronic comments, which were answered¹.

3. Please provide details of all shelter alternatives available for homeless people in Hungary in general and in Budapest in particular.

According to the latest statistics in 2010, 10,499 persons (5,859 in Budapest²) were received in daytime shelters. In night-time and temporary shelters a total of 8,171 homeless persons were provided temporary accommodation nation-wide, and an additional 1,074 persons could find temporary lodging in the so-called seasonal shelters operated in wintertime. An additional 650 persons were provided care in institutions offering permanent nursing or rehabilitation programmes.

Information contained in the letter is not entirely accurate when it states that “in most of the homeless shelters care is provided in rooms with a capacity of over 50 persons”. Undoubtedly, many institutions cannot be considered as modern and operate in buildings in poor condition, but at the same time both the Government and workers in homeless care strive to improve these conditions.

Allegations in the letter concerning the care of homeless persons with families (more specifically the complete absence thereof) do not reflect the factual situation on the ground. Providing shelter for homeless families with children is examined and managed taking into

¹ http://www.otm.gov.hu/web/jog_terv.nsf/4574acca75accbb1c1257012005072eb9c2415158e92949b5c1257792006c115e7OpenDocument

² This has been increased to 6105 by the beginning of 2011. The government provided 4,8 billion HUF (16M €) in 2011 for this purpose.

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3

account the best interest of the child and using the principles of gradualism and minimal intervention into family life. The child and the parent are provided shelter together. The temporary family shelters operated with a nation-wide capacity of 3,566 in 2010 (including 1,168 places in Budapest³).

The **Child Protection Act** stipulates special care for children in case of homeless families with children. Act XXXI of 1997 on the Protection of Children and Guardianship Administration, in line with the spirit of the international conventions concerning the rights of the child, declares in general that children have the right to be raised in a family. For this purpose, the care system attempts to provide shelter for the child together with his/her family. This may be voluntary (the family seeking shelter in the so-called temporary family shelter for offering temporary lodging for homeless families with children) or ex officio, based on the indication of the so-called child protection signalling system. Schools, community nurses, service providers offering family counselling, guardianship offices and the police, courts and the public prosecutor's office are members of the signalling system.

4. What measures have been put into place to replace services no longer available for the homeless community in Budapest, following the annulment of the contract between Budapest municipality and NGOs in March 2011?

Information on the 30% of state normative support previously granted by the Municipality of Budapest requires further specification. The Municipality had agreements with 11 civil organizations in Budapest before March 2011, but it could not carry out its obligations properly regarding monitoring, flexible and targeted service provisions. The old model also hindered the establishment of clear areas of responsibility and accountability. When the newly elected municipality was confronted with a dramatic budgetary situation in 2011 it decided to scrap the old model of cooperation instead of tinkering with it. Also it **immediately started consultations with civil organisations in order to conclude new servicing contracts for the same amount (345M HUF, 1,15M €) to avoid any protection gap for the homeless in conformity with the "Social Reconciliation Program" initiated by Budapest Municipality.**

Mayor István Tarlós commissioned the **two largest and most experienced civil organizations operating in Budapest**, namely the Hungarian Maltese Charity Service and the Shelter Foundation to elaborate a new allocation mechanism. The two organizations have created the programme "More humane conditions instead of using public place" and **together with other 11 homeless service organizations have established a consortium** with the objective of noticeably decreasing the number and vulnerability of homeless people. The consortium also uses its own tools for the promotion of the organization of services related to social care for people without residence and homeless persons living in Budapest, and its operation **guarantees the harmonized, targeted and efficient use of resources** available for homeless services in Budapest.

Thus in 2011 the Municipality of Budapest did not withdraw resources from the homeless care system, rather it elaborated a new reallocation scheme to enhance the quality and efficiency of the service delivery with the active collaboration of the civil organizations concerned.

5. Has your Excellency's government adopted a National Housing Strategy? If so, please provide details on the Strategy, in particular with regard to the situation of homeless

³ This has been increased to 1287 by the beginning of 2011.

persons. Please provide information on the estimated costs of implementation of the Strategy. To what extent have the concerned communities been allowed to participate in the design and drafting of the strategy?

It has to be noted that providing enough shelters alone would not solve the problem. Instead, more affordable and accessible housing conditions and the creation of job opportunities offering sufficient income for the maintenance of a proper accommodation should be pursued.

Partly owing to the above (and partly to prevent the possible escalation of the problem) the Government set as a priority the implementation the **National Social Inclusion Strategy and Governmental Action Plan**, including the complex programmes aimed at the improvement of housing conditions through its Resolution No. 1430/2011 (13 December). The Strategy summarizes under a separate heading the short and mid-term objectives related to housing. Along the transformation of the social housing system and housing benefits, access to healthy, safe and segregation-free housing must be secured. In the interest of reducing the risks of foreclosure and alleviating the burdens of families facing such a risk, the system of state aid provided for housing purposes is continuously being re-adjusted.

Programmes must be launched for home rehabilitation and repair in segregated urban housing projects and settlement parts with low infrastructure, as well as for the promotion of the employment and social integration of those living under such conditions. In the interest of the social inclusion of those living in segregated and segregated-like environments, complex programmes aimed at the improvement of social, community, educational, health care, employment and housing conditions must be implemented (15 billion HUF, 50M €, deadline: December 2012).

In addition, the "**House Protection**" Action Plan is aimed at the alleviation of the situation of those who mortgaged their homes in Swiss francs, with limiting or fixing the exchange rate (Act LXXV of 2011, Government Resolution 1191/2011), and providing state assistance for curbing high interests rates (Government Decree 341/2011).

To help the already failed debtors, the Government established the National Asset Management Office which buys up foreclosed homes and offers them to these debtors for a subsidised rent (Nemzeti Eszközkezelő, Act CLXX of 2011), and initiated a social housing project (Government Decree 156/2011) which is complemented by a subsidised rent program within the municipalities.

Questions related to the modified Acts

Pursuant to Section 63/A of Act LXV of 1990 on Local Governments, currently in effect and left unchanged by the recently introduced regulation, the Municipality of Budapest within its mandate and area of competence may regulate the utilization and order of its public place. Based on Section 1(1) of Act LXIX of 1999 on Misdemeanours (hereinafter: Act on Misdemeanours), a misdemeanour is an illegal act, manifested in the commission or omission to act, as defined by law, government decree or local ordinance, and the perpetrators of which shall be prosecuted under the relevant procedural rules of the Act on Misdemeanours.

The above regulations make it clear that local governments had already had the opportunity to regulate *inter alia* the use of public place by homeless people under the Act of

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Misdemeanours. In case of the Municipality of Budapest, within its mandate and area of competence regulating of the use and order of its public places is a legal obligation.

Newly modified parts of Section 54 of Act LXXVIII of 1997 on the Formation and Protection of the Built Environment (hereinafter: Act on Built Environment) effective as of 1 January 2011 have specified the provisions of the Act on Built Environment referring to the use of public places. They also limited and specified the powers of local governments described above, and already included in the existing regulations, whereby they could introduce new categories of misdemeanours, for instance, on the improper use of public places. Section 54(6), specifying the earlier provisions, authorized local governments to declare in a decree the unauthorized, unpermitted or improper use of public places within the borders of the locality as a misdemeanour. On the whole, the new regulation unambiguously sets out the legal situation as follows:

"Act on Built Environment, Section 54

(4) The function of the public places shall be to ensure:

- a) physical connection between and access to plots of land,*
- b) public road and pedestrian traffic (road, pavement etc.),*
- c) leisure time, recreation, entertainment and sports activities,*
- d) procession, assembly, community activities,*
- e) erecting statues and memorials and displaying works of art,*
- f) building public utilities,*
- g) establishing green places.*

(5) Everybody shall be allowed to use public places in conformity with their function. Additional rules regulating the function and use of public places may be defined by law.

(6) The local government shall have the power to declare it a misdemeanour and sanction any use of public place within the borders of the locality without an underlying permission or agreement if such use is not in conformity with the function of the public place specified in (4) or by law."

Pursuant to the authorization granted by the Act on Built Environment, the Municipality of Budapest, with its Decree passed on 27 April 2011, amended the Decree No. 59/1995 (20 October) (hereinafter: Decree) under which the use of public places as habitual residence shall qualify as punishable misdemeanour. In order to regulate uniformly this behaviour the Parliament decided to include a similar provision in the Act on Misdemeanours.

With respect to the above, effective as of 1 December 2011, the new Section 146/A was incorporated in the Act on Misdemeanours, sanctioning the repeated misdemeanour of using public places as habitual residence.

"Act on Misdemeanours, Section 146/A

(1) The person repeatedly violating the rules relating to the use of public places as habitual residence or the use of public places for the storage of possessions necessary for permanent residency shall be punishable by imprisonment or a fine of up to HUF 150,000.

(2) *The misdemeanour determined in Subsection (1) shall qualify as repeated misdemeanour if the prosecuted person was held liable pursuant to a final ruling for committing the same misdemeanour within six months preceding the commission of the act serving as the basis for the proceedings.*

(3) *The procedure falls under the jurisdiction of the court due to the misdemeanour determined in paragraph (1).*

(4) *The sanction defined in paragraph (1) shall not be applicable if the municipal self-government fails to provide for homeless services."*

6. Did public consultation take place (including with potentially affected persons) prior to the adoption of those amendments? If yes, please give the details, date and outcome of these consultations.

As all draft Acts, the relevant draft modification of the Act on Built Environment was published on the website of its initiator, the Ministry of the Interior (02.09.2010). Around 100 critical e-mails were received which were answered⁴. The draft was commented by 13 different authorities and civil organisations, including the ombudsman for data protection and the Mayor of Budapest. The modified act regulates more than 30 activities in public places (i.e. public market, concerts, parking, plants, etc).

The issue of the modification was frequently discussed in public meetings during the electoral campaign leading to the municipal elections (03.10.2010). The Ministry of the Interior consulted with relevant organizations; churches, the Hungarian Maltese Charity Service, the Hungarian Red Cross, and with the Budapest Municipality.

7. Has a human rights impact assessment been carried out regarding these amendments? If so, who undertook such assessment and could you please provide us with the conclusions of the assessments? What are the estimated costs of the on-going enforcement of Act CLIII in the various municipalities in Hungary?

There is no general legal requirement for the preparation of a human rights focused impact assessment study. On the other hand, each draft piece of legislation should be submitted together with a **general impact assessment** which contains *inter alia* the legal consistency of the proposed legal norm, budgetary implications, and compatibility with the EU aquis and other international legal obligations of Hungary. This document is intended for internal use among government departments.

To date there have been no cases initiated under this amended Act on Misdemeanours. It is to be noted that eventual costs are to be absorbed by the police authorities. The cost of special shelter and housing projects are born by the government, by the municipalities and in some cases by the Budapest districts.

8. Have these amendments been contested before a judicial body? If so, please provide details and outcomes of these proceedings.

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7

The NGO „The City is for All” turned to the ombudsman with the issue of sanctioning the “inappropriate” use of public place. The ombudsman asked the Municipality to review and to repeal relevant parts of its decree, but the Assembly of the Municipality – after careful consideration of the ombudsman’s appeal – declined to change it.

The ombudsman therefore decided to bring the issue before the Constitutional Court and to challenge, on constitutional grounds, the legislation adopted by the Municipality (specifically Section 15/B (1), points c and d of amended Decree No. 59/1995), as well as Section 146/A of the Act on Offences, and articles (4)-(6) of Section 54 of the Act on the Formation and Protection of the Built Environment. The above submission is under consideration by the Constitutional Court. (See also questions No. 2 and 11.)

9. What legal recourses available to the affected persons to contest administrative and legal decisions based on these amendments? Has free legal aid been made available for the affected persons?

A substantial element of the prohibition relating to the use of public places as habitual residence, as well as a fundamental and significant guarantee is that the procedure falls under the jurisdiction of the court, and the decision may be appealed with suspending effect within 8 days from notification of the decision at the court issuing the decision [Act on Misdemeanours, Sections 36(2) and 121(1)]. In order to avoid the criminalisation of homeless persons, it is a substantive guarantee that the sanctions shall not be applicable if the local government does not provide for homeless services.

It is worth mentioning that no procedure has been initiated to date under this new section of the Act on Misdemeanours.

As for the arrest of homeless people, we wish to indicate that pre-trial custody may only be ordered in criminal proceedings and exclusively by the court, in case conditions defined by law prevail. Pursuant to the above provision of the Act on Misdemeanours, a misdemeanour may be sanctioned by detention or fine. The Act on Misdemeanours contains the following on detention:

“Section 14

(1) Detention for committing a misdemeanour must always be established by law.

(2) The minimum duration of detention shall be one day and it should not exceed sixty days, with the exception of Section 24(1), and thirty days in the case of a minor. During the detention minors and adults shall be held separately.

(3) The period of detention shall include the entire period of custody for the misdemeanour, and the arraignment period exceeding four hours. Every calendar day when the perpetrator was in custody shall count as one day of detention in the period of custody for the misdemeanour. Arraignment exceeding four hours shall equal one day of detention.

Section 15

Detention shall not be applied, if the prosecuted person

a) is an individual with disabilities as defined in the Act on the Rights of Persons with Disabilities and Ensuring their Equal Opportunities or receives hospital inpatient care,

b) is a woman reaching the fourth month of pregnancy, a single parent raising a child under the age of 14, or a person looking after his/her family member with disabilities or requiring continuous care alone."

It should be noted that Act II of 2012 on Misdemeanours, Offence Procedures, and the Offence Registration System (hereinafter: New Act on Misdemeanours), effective as of 15 April 2012, will in its Section 186 provide legal sanctions on the violation of prohibition of the use of public places as habitual residence. Under the above regulation, a misdemeanour is committed by any person who does not use the public places within the city borders for their proper, intended purposes, uses such places as habitual residence or for storing personal possessions related to habitual residence. It is a major change that the new regulation terminates the dual-level sanctioning system of misdemeanours; as pursuant to Section 254(2) of the New Act on Misdemeanours, local governments shall repeal the provisions related to misdemeanours as defined in local ordinances until 31 May 2012.

However, after 15 April 2012, similarly to the provisions currently in force, the acts mentioned above shall not constitute a misdemeanour, if the local government does not provide for homeless services as mandated by law.

Under Act LXIX of 1999 on Misdemeanours, those affected

- have to be informed by the authorities about their rights, which also have to be documented,
- have the right to appeal against the decision of the authority, objections can be filed, which will be decided by a court.

Under Act LXXX of 2003 on legal aid, similarly to other public proceedings, persons affected in misdemeanour procedures are entitled to free legal aid, provided by the State.

Furthermore, in misdemeanour procedures, persons subjected to the procedure have the right to be defended by a public advocate; this may also be provided by advocacy groups.

The Booking station referred to in question No. 12, in accordance with the general legal framework, also provides persons subjected to misdemeanour procedures with the aforementioned possibilities.

10. Is there any on-going consultation with the persons threatened with criminal proceedings following the implementation of Act CLIII? If so, please give the details, date and outcome of these consultations. What measures have been put into to ensure access to information and participation for potentially affected communities and individuals?

As there have been no cases reported to date under the new section of the Act on Misdemeanours, there are no consultations specifically related to this issue. Social workers employed by the municipalities, charity organizations and the activists of the Hungarian Red Cross are regularly informing homeless persons.

0041223465861

9

An Information Office for the Homeless is available in the 8th district, with partial national competence. According to the Act on Social Services, the Information Office *inter alia* assists in the disbursement of relevant aid, pensions, and subsidies.

Questions related to the municipal decree of 27 April, 2011 and its implementation

11. Has the municipal decree been contested before a judicial body? If so, please provide details and outcomes of these proceedings.

The NGO „The City is for All” turned to the ombudsman with the issue of sanctioning the “inappropriate” use of public place. The ombudsman asked the Municipality to review and to repeal relevant parts of its decree, but the Assembly of the Municipality – after careful consideration of the ombudsman’s appeal – declined to change it.

The ombudsman therefore decided to bring the issue before the Constitutional Court and to challenge, on constitutional grounds, the legislation adopted by the Municipality (specifically Section 15/B (1), points c and d of amended Decree No. 59/1995), as well as Section 146/A of the Act on Offences, and articles (4)-(6) of Section 54 of the Act on the Formation and Protection of the Built Environment. The above submission is under consideration by the Constitutional Court.

12. What is the legal basis for the establishment of the police booking station in Budapest 8th district?

Based on Decree No 59/1995 of the Budapest Municipality the local government of the 8th district established a nonstop operating **Misdemeanour Office** which enables police officers to arraign perpetrators of misdemeanours around the clock. Up to now, 1708 persons have been arraigned to this Office.

The Misdemeanour Office operates within the competences of the Notary in Budapest 8th district in accordance with the Act on Misdemeanours. **The Office – even before the change – used to handle cases of persons caught in the act of committing misdemeanours in public places. The changes introduced in October 2011 affected only the working hours of the Office, which now operates nonstop. This enables police to deliver offenders to the Office at any given time.**

It has to be emphasized that misdemeanours committed in public places are not limited to habitual residence in public places but also include littering, drinking alcohol and vending goods without authorization. Therefore **numerous persons brought to the Office were not homeless and even a great number of the homeless persons were brought to the Office for committing misdemeanours other than establishing habitual residence in public places.**

The Misdemeanour Office conducts a uniform procedure in all the above cases, including the collection of evidence, in accordance with the Act on Misdemeanours. Based on the provisions of the Act, the Office examines the personal conditions of the offenders and takes into account the principles of proportionate and gradual sanctioning, first time offenders are only given a warning. Homeless offenders were provided with detailed information on shelters in the 8th district.

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10

13. What are the legal recourses available to the persons affected by the enforcement of the decree? Has free legal aid been made available for the affected persons? In particular, has free legal aid been made available for persons processed at the above mentioned booking station?

Any procedures initiated based on local municipal decrees shall be governed by the procedures and guarantees provided for by the Act LXIX of 1999 on Misdemeanours.

Under this Act, those affected

- have to be informed by the authorities about their rights, which also have to be documented,
- have the right to appeal against the decision of the authority, objections can be filed, which will be decided by a court.

Under Act LXXX of 2003 on legal aid, similarly to other public proceedings, persons affected in misdemeanour procedures are entitled to free legal aid, provided by the State.

Furthermore, in misdemeanour procedures, persons subjected to the procedure have the right to be defended by a public advocate; this may also be provided by advocacy groups.

The Booking station referred in question No. 12, in accordance with the general legal framework, also provides persons subjected to misdemeanour procedures with the aforementioned possibilities. (See also under question No. 9)

14. What shelter alternatives were provided to homeless persons that have been evicted and/or detained based on the decree?

It is important to emphasize that to date not a single person has been evicted from his/her residence or has been detained based on the provisions of the decree issued by the Municipality of Budapest. Even in many cases of repeated misdemeanours, the local Office on Misdemeanours in the 8th district of Budapest only issued warnings, and the status of income, as well as a gradual approach have always been taken into consideration when deciding upon a fine. Following the entry-into-force of the modified Act on Misdemeanours, only courts will have the authority to decide whether to detain a person and the offender may only be indicted if local authorities are otherwise able to provide adequate shelter, both in terms of quantity and quality.

Implementation of the so-called "Heated Street" program started with the refurbishing and renovation of the assigned buildings on 28 October 2011. The Ministry of the Interior has been closely coordinating with the Ministry of National Resources, the Municipality of Budapest, Hungarian Railways, and the Hungarian Maltese Charity Service in order to develop a more robust, reliable and secure system of housing. Three projects have been finalized in three different districts of Budapest (altogether providing night-shelter for 448 persons, and day-time service for 276 persons), and the reconstruction of one building is currently under way, with the aim of providing night-time shelter for 250 persons. In the framework of the "Heated Street" program, local and state authorities provided 1,9 million EUR for the renovation of buildings, and the Government of Hungary increased by 1,1 million EUR the budget-allocation dedicated to homeless services of the Municipality of Budapest.

0041223465861

11

The new municipal law tasks local authorities with the prevention of homelessness, as well as with the rehabilitation and servicing of the homeless. The "Soul Program", which is a pilot project developed by the 8th district and the Ministry of National Resources with a view to prepare municipalities for taking over this important task, aims at the rehabilitation and reintegration of the homeless. To date, close to 100 homeless persons have benefited of this program. For your kind information, please find attached the detailed presentation of the "Soul program" initiated by the 8th district of Budapest.

In addition, the Budapest Municipality has its own shelter management organization (BMSZKI) providing services for 1500 people. The plan is to raise this number by at least 720 in the coming years, with the improvement of the cooperation between BMSZKI and the organizations participating in the "More humane conditions instead of public places" program.

An Information Office for the Homeless is available in the 8th district, with partial national competence. According to the Act on Social Services, the Information Office inter alia assists in the disbursement of relevant aid, pensions, and subsidies.

15. What is the current situation of the persons affected by the enforcement of this decree? Was any measure undertaken to avoid worsening the housing and living conditions of the people affected?

In Hungary, despite the worldwide economic crisis fundamentally influencing the Hungarian economic situation, several tenders, programmes and projects had been implemented in the past years to prevent homelessness and to improve the situation of the homeless. (See answers to question No. 14.)

The unusually cold winter this year made a few additional measures necessary for the protection of the homeless in the country, including in the 8th district of Budapest, even in cases where the person concerned had not become homeless in the 8th district and was using public places instead of the available homeless shelters. These approximately 40 persons were provided temporary shelters and/or adequate clothing, blankets, food, firewood, as well as medical services. Authorities have not initiated any misdemeanor procedures during this process.

For the purpose of the quick and humane implementation of police tasks, the National Police Department issued an Order based on relevant provisions of the Act on Police to increase protection of the homeless during the fulfillment of police duties related to the prevention of emergency situations due to wintertime and threatening homeless individuals living in public places.

In general, the regulatory approach of the Order primarily allows the maximum protection of the social group of homeless people, particularly for the prevention of killing frost and frostbite jeopardizing especially homeless persons in the wintertime as well as crimes committed against or potentially by them.

Pursuant to the Order, the leaders of county/metropolitan police headquarters shall act via leaders of police stations and leaders of border offices to map the "temporary residences" of public places used by homeless people starting from October, and take the necessary measures to prevent any crimes committed against them.

0041223465861

12

Among others, an **additional obligation to be assumed by police officers** on duty, if required, shall include the prompt arrangement for an ambulance transport of homeless people injured or in crisis, the provision of information on the available services of charity organizations, and the immediate contact with the competent regional dispatcher service in case the homeless person in crisis does not know the place, possesses no cash, or would endanger public health by using public transport vehicles.

Date: 21 February 2012



Capital City Budapest 8th District,
Local Government of Jozsefvaros

SOUL-PROGRAM

DECEMBER 2011

Community Program for Housing, Way of Life, Spiritual-assistance, Existence- creation (SOUL-Program*)

Model Experiment For the Complex Rehabilitation of Homeless People in Jozsefvaros

December 2011

Contributors and partners:

Local government of Jozsefvaros and its institutions

Mayor's Office of Jozsefvaros

Family Support Center and Child Welfare System of Jozsefvaros

Urban Management Services of Jozsefvaros

Medical Services of Jozsefvaros

„Kisfalu” Ltd.

„Rév8” Ltd.

Community Houses of Jozsefvaros Non-profit Ltd.

Cooperative organisations:

Baptist Charity Service

Salvation Army Free-church Hungary

Intermediate organisations:

Religious organisations and non-governmental organisations

Supervision of Public Places of Jozsefvaros

Police Department of the 8th district

* The Hungarian equivalent of the Program is „Lakhatási, Életviteli, Leleki-segítségnyújtási és Egzisztencia-teremtési Közösségi Program” (Community Program for Housing, Way of Life, Spiritual-assistance, Existence-creation) The abbreviation of this expression is LÉLEK in Hungarian so I will use the translated version of the acronym which is SOUL.

0041223465861




Capital City Budapest 8th District,
Local Government of Józsefváros

SOUL-PROGRAM

DECEMBER 2011

CONTENTS

I. Description of the situation, antecedents.....	Hiba! A könyvjelző nem létezik.
II. Aim of the SOUL-Program.....	Hiba! A könyvjelző nem létezik.
III. The Sub-Programs of SOUL.....	Hiba! A könyvjelző nem létezik.
Mentoring, the operation of SOUL-Point	Hiba! A könyvjelző nem létezik.
Employment and Housing Program, the operation of the SOUL-House ...	Hiba! A könyvjelző nem létezik.
Unemployment rehabilitation	Hiba! A könyvjelző nem létezik.
Spiritual-assistance	Hiba! A könyvjelző nem létezik.
Other services	Hiba! A könyvjelző nem létezik.
Community collaboration	Hiba! A könyvjelző nem létezik.
IV. Preventing Homelessness	Hiba! A könyvjelző nem létezik.

 Capital City Budapest 8th District, Local Government of Jozsefvaros	SOUL-PROGRAM DECEMBER 2011
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I. Description of the situation, antecedents

Homeless services are significantly concentrated in Jozsefvaros in the last twenty years.
Related to the datas of the capital:

- one fifth of the accomodation in the capital city (18%)
- one quarter of the non-special accomodation such as shelters, heated shelters, temporary accomodation (23%)
- using proportional numbers, considering 100 thousand inhabitants, this is nearly four times more than the average in the capital
- it is five times more than the non-special accomodation comparing this to the rate considering 100 thousand inhabitants in the capital

The distribution of the homeless is not equal within the districts, most of the homeless services can be found mainly in Jozsefvaros.

Analyses¹ showed that a significant number of care facilities can be found in the Magdolna-quarter, which is named after of crossing the following streets: Fiumei Street- Baross Street- Koszorú Street- Nagyfuvaros Street- Népszínház Street. In Magdolna-quarter temporary shelters which provide overnight accomodation, it is obvious that clients use them for a short period of time so there are others who can come there too. As a result of the district's central location and its facilities (market of the Teleki square, the benches of the Mátyás square, open gates of houses and neglected places) many homeless and people regarded homeless visit the institutions in the area.

The high concentration of homeless in this area makes the improvement of public places more difficult.

Regarding to homelessness the directly deteched problems are the following:

The majority of homeless people

- hang out in the streets, public places until they can find a refuge in shelters, warming centres or to get warm food in the soup kitchen
- occupy the streets, parks and squares and improvise shelters such as a large cardboard box, consisting of tarpaulins and blankets or just sleeping on the ground in a sleeping bag taking away to use these public places functionally
- do the human needs in the public areas or the doorways
- drink alcohol, use drugs in public places

¹ Analyses are made because of the district's successfully carried out social urban regeneration program supported by the European Union as well